



PATENT  
Our Docket: P-HP 3589

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Group Art Unit: 1627  
Lang and Pei )  
Serial No: 09/401,004 ) Examiner: M. Baker  
Filed: September 21, 1999 )  
For: BENZIMIDAZOLE )  
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Asst. Commissioner for Patents  
Washington, D.C. 20231

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DECLARATION UNDER 37 U.S.C. SECTION 1.131

1/28/03  
Sir:

We, Yazhong Pei and Hengyuan Lang, declare as follows:

1) We are the inventors named in the above-identified subject invention.

2) We understand that claims 17 to 22, 25, 35, 38 to 40 and 42 to 45 are rejected under 35 U.S.C. section 102(e) as allegedly anticipated by Girten et al., U.S. Pat. No. 6,284,735 (hereinafter "the '735 patent"), which was filed as Application Serial No. 09/356,386 (hereinafter, the '386 application) on July 16, 1999.

3) As shown on the first page of the '735 patent, the '386 application is a continuation-in-part of Application Serial No. 09/306,686 (hereinafter, the '686